

## **REMARKS**

### **Regarding the Claim Amendments:**

Applicants have cancelled claims 29 and 38, without prejudice or disclaimer of their subject matter; amended claim 23 to incorporate allowable subject matter recited in claim 30, and now-cancelled claim 29; amended claim 34 to incorporate allowable subject matter recited in claim 39, and now-cancelled claim 38; and amended claims 30 and 39. In addition, Applicants have amended claim 34 to recited a “media access layer [that] ... comprises a processor.” Support for the amendment may be found in the specification at, for example, page 12, line 32 to page 13, line 3. Upon entry of this Amendment, claims 23-28, 30-37, and 39-44 are pending and under examination.

As a procedural note, in the Preliminary Amendment filed September 29, 2006, Applicants inadvertently did not include the identifier “(New)” before claim 37. *See* Preliminary Amendment, p. 7. In the claim listing filed herewith, however, Applicants apply the identifier “(Previously Presented)” to identify claim 37.

### **Regarding the Office Action:**

Applicants respectfully traverse the following rejections and objections made in the Office Action, wherein the Examiner took the following actions:

- (1) rejected claims 34-42 under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention;
- (2) rejected claim 43 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement;
- (3) rejected claims 23-25, 33, 34, and 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,666,655 (“*Ishikawa*”) in view of U.S. Patent Application Pub. No. 2002/0150050 (“*Nathanson*”);
- (4) rejected claims 26-29, 32, 35-38, 41, 43, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Ishikawa* in view of

*Nathanson*, and further in view of U.S. Patent Application Pub. No. 2005/0088318 (“*Liu*”);

- (5) objected to claims 30 and 31 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and
- (6) indicated that claims 39 and 40 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 101, and to include all of the limitations of the base claim and any intervening claims.

**Regarding the 35 U.S.C. § 101 Rejection of Claim 34-42:**

Without conceding to the Office Action’s allegations, Applicants have amended claim 34 to recite a “media access control layer ... wherein the media access control layer comprises a processor. . . .” As mentioned above, support for this amendment may be found in the specification at, for example, page 12, line 32 to page 13, line 3. This amendment overcomes the 35 U.S.C. § 101 rejection and Applicants respectfully request its withdrawal.

**Rejection of Claim 43 under 35 U.S.C. § 112, First Paragraph:**

The Office Action alleged that claim 43 “contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.” Office Action, page 2. Applicants respectfully disagree. The specification, including the originally filed claim 21 (now cancelled), provides sufficient support for and description of the subject matter recited in claim 43. For example, in the specification on page 3, lines 3-7, “multiple transmitters” are described in the context of the CDMA technique. Then on page 11, lines 17-19, CDMA is again disclosed as an exemplary method of representing communication channels in an embodiment of the invention. Therefore, one of ordinary skill in the art would have understood and been enabled to use a “transmitter for a mobile user of a substantially infrastructureless communication network

comprising a medium access control layer according to claim 34,” as recited in claim 43.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112, 1st ¶, rejection.

**Rejections of Claims under 35 U.S.C. § 103(a):**

Applicants have amended claims 23 and 34 to incorporate allowable subject matter recited in claims 30 and 39, respectively. Therefore, claims 23 and 34, as well as claims 24-28, 30-33, 35-38, and 40-44 dependent from claim 23 or 34, are in condition for allowance.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejections.

**Regarding the Objections to Claims 30, 31, 39, and 40:**

As discussed above, independent claims 23 and 34 should be allowable over the cited references. Therefore, claims 30 and 31, dependent from independent claim 23, and claims 39 and 40, dependent from independent claim 34, should also be allowable. Accordingly, Applicants respectfully request withdrawal of the objection to claims 30, 31, 39, and 40.

**Conclusion:**

Applicants request reconsideration of the application and withdrawal of the rejections and objections. Pending claims 23-28, 30-37, and 39-44 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations.

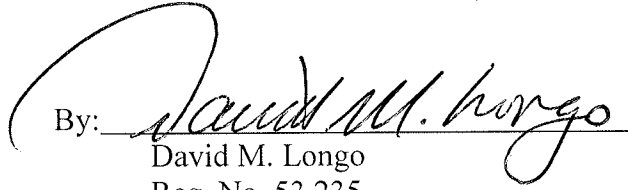
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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